

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------------|---|------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| v. |) | 2:00cr177 |
| |) | |
| FRED JOHNSON, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |

ORDER OF COURT

AND NOW, this 23rd day of August, 2005, upon consideration of Defendant's Pro Se MOTION TO RECONSIDER ORDER TO FILE PETITION TO VACATE SENTENCE UNDER 28 U.S.C. §2255 (Document No. 35) and the PETITION FOR LEAVE FOR DEFENDANT TO FILE FIRST MOTION FOR WRIT OF HABEAS CORPUS NUNC PRO TUNC (Document No. 37) filed by counsel for Defendant,

IT IS HEREBY ORDERED that the Government shall file responses to said motions on or before **September 12, 2005**.

If the responses are not timely filed the motions may be granted for lack of opposition.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

cc: Troy Rivetti, AUSA
Email: Troy.Rivetti@usdoj.gov

Jay J. Finkelstein, Esquire
Email: jay_finkelstein@fd.org

R. Damien Schorr, Esquire
Email: damienschorr@comcast.net